

## Agricultural Marketing Service, USDA

## § 57.10

as under the Federal Food, Drug, and Cosmetic Act.

*Plant* means any place of business where eggs are processed.

*Quality* means the inherent properties of any product which determine its relative degree of excellence.

*Regional director* means any employee of the Department in charge of the surveillance inspection service in a designated geographical area.

*Regulations* means the provisions in this entire part and such U.S. Standards, Grades, and Weight Classes for Shell Eggs as may be in effect at the time grading is performed.

*Regulatory inspector or Inspector* means any Federal employee or the employee of a cooperating agency to whom a license has been issued by the Secretary to make such inspections as required in § 57.28 of these regulations.

*Regulatory officer or staff officer* means staff assistants to regional directors who assist the regional director in administering the surveillance inspection service.

*Sampling* means the act of taking samples of any product for inspection.

*Secretary* means the Secretary of Agriculture or any other officer or employee of the Department to whom the authority to act in the Secretary's stead has been delegated.

*Service* means the personnel who are actively engaged in the administration, application, and direction of the surveillance inspection service pursuant to the regulations in this part.

*Shell egg packer* means any person engaged in the sorting of eggs into their various qualities.

(a) *Producer-packer* means any person engaged in the sorting of eggs from their own production into their various qualities, either mechanically or by other means.

(b) *Grading station* means any person engaged in the sorting of eggs from their own production and sources other than their own production into their various qualities, either mechanically or by other means.

*State* means any State of the United States of America, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

*State supervisor or Federal-State supervisor* means any authorized and delegated individual who is in charge of the surveillance inspection program in a state.

*Surveillance inspection service* means the official service within the Department having the responsibility for carrying out the provisions of the Egg Products Inspection Act under this part.

*Ultimate consumer* means any household consumer, restaurant, institution, or any other party who has purchased or received shell eggs for consumption.

*Unclassified eggs* means eggs that have been washed or are unwashed and show evidence of segregating or sizing.

*United States Standards, Grades, and Weight Classes for Shell Eggs (AMS 56)* means the official U.S. standards, grades, and weight classes for shell eggs that are maintained by and available from Poultry Programs, AMS.

*Washed ungraded eggs* means eggs which have been washed and that are either sized or unsized, but not segregated for quality.

[69 FR 57164, Sept. 24, 2004, as amended at 71 FR 12614, Mar. 13, 2006]

### § 57.10 Administration.

The Administrator shall perform, for and under the supervision of the Secretary such duties as the Secretary may require in the enforcement or administration of the provisions of the act and the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, grading, inspection, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part. The AMS and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

[69 FR 57166, Sept. 24, 2004]